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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE ENCARNACION MAYO RODRIGUEZ,
SYLVIA ZAMBRANO,
MARIA LUISA ESCAMILLA-LOPEZ,
JUAN CHAVARRIA,
JUAN RAMON LOPEZ,
CHARLES JAMES BILLINGSLEY, JR.,

Defendants.

CASE NO. 2:19-CR-0231-WBS

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
ORDER

DATE: June 26, 2023
TIME: 9:00 a.m.
COURT: Hon. William B. Shubb

STIPULATION

1. By previous order, this matter was set for status on June 26, 2023.
2. By this stipulation, defendants now move to continue the status conference until August 28, 2023 at 9:00 a.m., and to exclude time between June 26, 2023, and August 28, 2023 at 9:00 a.m., under Local Codes T4, C, and R.
3. The parties agree and stipulate, and request that the Court find the following:
 - a) The government has represented that the discovery associated with this case includes over 4400 pages of documents, including investigative reports, photographs, cell phone records, and other materials, as well as numerous audio and video recordings. All of this

1 discovery has been either produced directly to counsel and/or made available for inspection and
2 copying.

3 b) Many of the events at issue in the case occurred in San Joaquin County, with
4 additional matters occurring in Southern California and the San Francisco Bay Area. Defense
5 investigation into the charged events can fairly be characterized as state-wide in scope.

6 c) During most of the period that this case has been pending national events related
7 to the spread of COVID-19 occurred. Federal and state authorities issued directives designed to
8 address the pandemic. These directives hampered the ability of the defense to conduct
9 investigation as to potential defenses in this matter. Additional time is therefore required for
10 defense investigation into matters charged in the Indictment.

11 d) On June 21, 2022, defendant Juan Chavarria was arrested in San Joaquin County
12 for state firearms violations. He was later released pending trial. On July 22, 2022, Chavarria
13 was arrested for attempted murder, in San Joaquin County, where he is being held without bail.
14 *See* ECF No. 228 (Pretrial Services Violation Petition).

15 e) Counsel for defendants desire additional time to conduct factual investigation and
16 legal research into potential defenses and trial and sentencing issues, to review the discovery, to
17 consult with their clients, and to otherwise prepare for trial. Counsel for defendant Billingsley
18 desires additional time to evaluate and discuss with his client a potential motion for severance.

19 f) Counsel for defendants believe that failure to grant the above-requested
20 continuance would deny them the reasonable time necessary for effective preparation, taking into
21 account the exercise of due diligence.

22 g) The government does not object to the continuance.

23 h) Based on the above-stated findings, the ends of justice served by continuing the
24 case as requested outweigh the interest of the public and the defendant in a trial within the
25 original date prescribed by the Speedy Trial Act.

26 i) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
27 et seq., within which trial must commence, the time period of June 26, 2023 to August 28, 2023
28 at 9:00 a.m., inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv)

[Local Code T4] because it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial. In addition, the time period of June 21, 2022, through the present, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(1)(B) [Local Code C], and 18 U.S.C. § 3161(h)(6) [Local Code R], because the period of delay results from defendant Chavarria facing other charges in San Joaquin County. *See United States v. Lopez-Espindola*, 632 F.2d 107 (9th Cir. 1980).

4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: June 21, 2023

PHILLIP A. TALBERT
United States Attorney

/s/ DAVID W. SPENCER
DAVID W. SPENCER
Assistant United States Attorney

Dated: June 21, 2023

/s/ Todd D. Leras
TODD D. LERAS
Law Office of Todd D. Leras
Attorney for defendant Jose Encarnacion Mayo Rodriguez

Dated: June 21, 2023

/s/ Christopher R. Cosca
CHRISTOPHER R. COSCA
Christopher R. Cosca, Attorney-at-Law
Attorney for defendant Sylvia Zambrano

1 Dated: June 21, 2023

/s/ Dina Lee Santos
DINA LEE SANTOS
Law Offices of Dina L. Santos
Attorney for defendant Maria Luisa Escamilla-
Lopez

6 Dated: June 21, 2023

/s/ Clemente Jimenez
CLEMENTE JIMENEZ
Law Office of Clemente M. Jimenez
Attorney for defendant Juan Chavarria

10 Dated: June 21, 2023

/s/ Phillip Cozens
PHILLIP COZENS
Phillip Cozens, Attorney-at-Law
Attorney for defendant Juan Ramon Lopez


13 Dated: June 21, 2023

/s/ Johnny L. Griffin, III
JOHNNY L. GRIFFIN, III
Law Offices of Johnny L. Griffin, III
Attorney for defendant Charles J. Billingsley, Jr.

18 **FINDINGS AND ORDER**

19 IT IS SO FOUND AND ORDERED.

20 Dated: June 30, 2023


WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE